REMARKS

Present Status of Patent Application

The Office Action rejected claims 1-12 under 35 U.S.C. §103 as being unpatentable over U.S. Patent 5,315,592, to Conant et al., in view of U.S. Patent 6,067,561, to Dillon. For the reasons set forth herein, Applicant respectfully requests reconsideration and withdrawal of these rejections.

In addition, the undersigned noted several typographical, grammatical, or other informalities in the specification, and has amended several locations of the specification to correct these. An annotated version of these amendments is attached hereto at Tab A. No new matter has been added to the application by way of these amendments.

Summary of Present Application

The present application is directed to a system and method for communicating in a point-to-multipoint DSL communication network. Preferably, the point-to-multipoint communication network is established in the environment of a home or small office, and embodiments of the invention are realized through a computer that may dynamically establish both LAN and WAN communications. Broadly, the system and method are realized by a computer that is configured to assume a role as either a Master or a Slave on a LAN. If the computer is the first (or only) computer powered up on the LAN, then it assumes the role of Master. In this role, the computer establishes a communication link with a WAN (such as with an Internet Service Provider), and directs all WAN communications over the WAN, using a WAN frequency and protocol (such as DSL). As other computers join the LAN, then WAN communications from those computers are relayed through the Master to the WAN. These communications are relayed to the Master using

a LAN frequency band. If upon power-up, however, another computer is identified as already being on the LAN (and configured as a Master), then the computer assumes a Slave configuration. In this configuration, all WAN communications are directed to the WAN by way of the Master computer, and are communicated to the Master computer using a LAN frequency band. Return communications, received from the WAN, however, are broadcast directly over the LAN using the downstream frequency band of the DSL service (as opposed to the LAN frequency band), where they may be received by the appropriate Slave computer.

Discussion of Rejections

Fundamental Substantive Distinctions of Cited Patents

The claims of the present application clearly define over the cited references of Conant and Dillon, for at least the reason that these cited patents fail to teach (alone or in combination) a central aspect of Applicant's preferred embodiment. Unlike Applicant's system and method, which have been summarized above, neither Conant nor Dillon disclose a system in which a slave computer on a LAN communicates over a WAN by directing outgoing WAN communications through a master computer via a LAN frequency band, while receiving incoming communications directly via a WAN frequency band (the WAN and LAN frequency bands being separate and distinct).

Instead, Conant is directed to a system having parallel bridges extending between two LANs, configured such that loops are not established that would otherwise allow the indefinite recirculation of information packets between the two LANs. From a substantive standpoint, the system of Conant is wholly unrelated to the system and method of the present application. It appears as though Conant has been cited against Applicant's invention, due only to the presence

of certain "buzz" words within Conant. In this regard, it appears as though the Conant patent may have been identified as a result of an electronic search of certain terms. For example, terms like "master," "slave," and "loop" are shared between the present application and the disclosure of Conant. However, and as will be discussed in more detail below, the use of these terms in the Conant patent is completely unrelated to their use in the present applications. Thus, the teachings of Conant against the Applicant's claims are significantly replaced. Significantly, Conant does not teach or disclose a system or method whereby a computer can communicate over a WAN by directing outbound WAN communications through master computer via a LAN frequency band, but yet receive inbound WAN communications directly via the WAN frequency band.

Even more remotely, Dillon is directed to an email notification system. More particularly, Dillon discloses an email notification system that notifies a subscriber when an email server has received an email message for the subscriber. Like the failings of Conant, Dillon does not teach or disclose a system or method whereby a computer can communicate over a WAN by directing outbound WAN communications through master computer via a LAN frequency band, but yet receive inbound WAN communications directly via the WAN frequency band.

This fundamental aspect is embodied in each of the independent claims of the application, as will be described below. For at least the reason of this fundamental failing of the cited art, each of the independent claims patently defines over the cited art of record.

Office Action Improperly Combined Conant and Dillon Patents

As a separate and independent basis for the patentability of Applicant's invention, the Office Action failed to articulate an legally-satisfactory motivation to combine the Conant and Dillon patents. In this regard, Applicant refers to the recent Federal Circuit decision of *In re*

Sang-Su Lee, 277 F.3d 1338, 61 U.S.P.Q.2d 1430 (Fed. Cir. 2002). Since this case was decided on January 18, 2002, the undersigned assumes that the Office Action did not consider its holding when forming the rejections. For the Examiner's convenience, the undersigned has attached a copy of this opinion hereto at Tab B. As clearly articulated in this opinion, general conclusions of obviousness will not be upheld, without clear evidentiary facts to support them. In this regard, Office Action rejections "cannot rely on conclusory statements when dealing with particular combinations of prior art and specific claims, but must set forth the rationale on which it relies." (Tab B, page 7). The *Sang-Su Lee* opinion further states that Office Actions "must make findings of facts, and present [their] reasoning in sufficient detail that [a] court may conduct meaningful review of the agency action." (Tab B, page 7).

It is well-settled law that in order to properly support an obviousness rejection under 35 U.S.C. § 103, there must have been some teaching in the prior art to suggest to one skilled in the art that the claimed invention would have been obvious. *W. L. Gore & Associates, Inc. v. Garlock Thomas, Inc.*, 721 F.2d 1540, 1551 (Fed. Cir. 1983). More significantly,

> "The consistent criteria for determination of obviousness is whether the prior art would have suggested to one of ordinary skill in the art that this [invention] should be carried out and would have a reasonable likelihood of success, viewed in light of the prior art. ..." Both the suggestion and the expectation of success must be founded in the prior art, not in the applicant's disclosure... In determining whether such a suggestion can fairly be gleaned from the prior art, the full field of the invention must be considered; for the person of ordinary skill in the art is charged with knowledge of the entire body of technological literature, including that which might lead away from the claimed invention."

(*Emphasis added.*) *In re Dow Chemical Company*, 837 F.2d 469, 473 (Fed. Cir. 1988).

In this regard, Applicant notes that there must not only be a suggestion to combine the functional or operational aspects of the combined references, but that the Federal Circuit also requires the prior art to suggest both the combination of elements and the structure resulting from

the combination. *Stiftung v. Renishaw PLC*, 945 Fed.2d 1173 (Fed. Cir. 1991). Therefore, in order to sustain an obviousness rejection based upon a combination of any two or more prior art references, the prior art must properly suggest the desirability of combining the particular elements to create a system and method for communicating in a point to multi-point digital subscriber line (DSL) network as claimed by the Applicant.

"Particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed." *In re Kotzab*, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). "Even when the level of skill in the art is high, the [Office Action] must identify specifically the principle, known to one of ordinary skill, that suggests the claimed combination. In other words, the [Office Action] must explain the reasons one of ordinary skill in the art would have been motivated to select the references and to combine them to render the claimed invention obvious." *In re Rouffet*, 149 F.3d 1350, 1359, 47 USPQ2d 1453, 1459 (Fed. Cir. 1998).

"A showing of a suggestion, teaching, or motivation to combine the prior art references is an 'essential component of an obviousness holding." *Brown & Williamson Tobacco Corp. v. Philip Morris Inc.*, 229 F.3d 1120, 1124-25, 56 USPQ2d 1456, 1459 (Fed.Cir.2000)) (*quoting C.R. Bard, Inc., v. M3 Systems, Inc.*, 157 F.3d 1340, 1352, 48 USPQ2d 1225, 1232 (Fed.Cir.1998)); The Federal Circuit has made it clear "that the best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references."); *In re Dembiczak*, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617 (Fed.Cir.1999). Thus, there must be some motivation, suggestion, or teaching of the desirability of making the specific combination that was made by the applicant." *In re Dance*, 160 F.3d 1339, 1343, 48 USPQ2d 1635, 1637

(Fed.Cir.1998).

In the present application, the Office Action has clearly failed to satisfy this evidentiary standard, which the Federal Circuit, in *In re Sang-Su Lee* (Tab B), held that the Administrative Procedures Act mandates. For example, in rejecting independent claims 1, 7, and 9, the Office Action stated only:

> A skilled artisan would have looked to the Wide area network to implement the Conant's apparatus and found Dillon's teaching. Dillon taught a network environment wherein a client sends requests through a server which is connected to a front end computer (WAN link) and the front end computer sends a notification or response directly to client machine [Dillon Fig 1-2].
> Therefore, it would have been obvious ... to incorporate the teaching of sending request indirectly through a computer and receiving the response directly from a WAN link as taught by Dillon into Conant's apparatus in order to utilize LAN/WAN links. Doing so would provide the quick, simple and efficient process to communicate between source and destination on wide area network.

This is the total of the argument and reasoning set forth by the Office Action in reaching the conclusion that one would have been led to combine the divergent teachings of Conant and Dillon. Applicant respectfully submits that this falls far short of the legal requirement articulated by the Federal Circuit in In re Sung-Su Lee. For this reason alone, the rejections of the Office Action should be withdrawn. In addition, Applicant respectfully submits that, even combined, Conant and Dillon fail to disclose all the elements of Applicants independent claims. Additional arguments and reasoning will be set out below in the discussion of the respective claims.

Independent Claim 1

The Office Action rejected claim 1 under 35 U.S.C. §103 as being unpatentable over U.S. Patent 5,315,592, to Conant et al., in view of U.S. Patent 6,067,561, to Dillon. For the reasons set forth below, Applicant respectfully traverses this rejection.

Independent claim 1 recites:

1.   A method for communicating in a point to multi-point digital subscriber line (DSL) network, comprising the steps of:

electrically connecting a local loop to customer premises wiring;

establishing intra-LAN computer communications among a plurality of computers located at the customer premises, over the customer premises wiring, in a LAN frequency band, wherein one of the plurality of computers is configured as a Master computer and the remaining computers are configured as Slave computers;

establishing a WAN communications link between the Master computer located at the customer premises and a line card located at a central office, across the local loop, wherein communications between the Master computer and the central office occur in a WAN frequency band;

directing outgoing WAN communications from any of the Slave computers to the WAN communications link, via the Master computer; and

receiving incoming WAN communications directly at any of the Slave computers.

(*Emphasis added.*) Applicant respectfully submits that claim 1 patently defines over the cited art

for at least the reason that the cited prior art fails to disclose or otherwise teach the features

emphasized above.

As emphasized above, claim 1 calls for "electrically connecting a local loop to customer

premises wiring." Neither Conant nor Dillon disclose this feature. The Office Action alleges

that the Conant patent discloses this element at column 3, lines 36-62, and column 4, lines 1-10.

Applicant respectfully disagrees. First, the undersigned has performed an electronic word search

of the Conant patent and verified that the terms "local loop" and "customer premises" do not

appear anywhere in the Conant patent. As is well known in the telecommunications art, the term

"local loop" is a term of art that describes the two-wire pair that extends between a customer

premises and a central office. This term of art has been used consistent with this understanding

in the present application (see, for example, Fig. 2 labeling the local loop). There is absolutely

no disclosure or teaching within the Conant patent that mentions a central office or a local loop.

Instead, and as mentioned above, the Conant patent is directed to a system for bridging between two local area networks in such a way that loops are not created such that information packets recirculate between the two bridged LANs. For at least this reason, claim 1 patently defines over the cited references.

As a separate and independent basis for the patentability of claim 1, claim 1 calls for "establishing intra-LAN computer communications among a plurality of computers located at the customer premises, over the customer premises wiring..." Simply stated, this element is not taught or disclosed in the Conant patent. In fact, the Office Action has not even alleged that this element is taught within either the Conant patent or the Dillon patent. In this regard, paragraph 4 of the Office Action sets forth the rejection of claim 1. However, there is nothing set forth within this rejection that references this particular element of claim 1, much less any portion of the Office Action rejection that cites to any location within the Conant or Dillon patents that disclose this element. Notwithstanding, the undersigned has evaluated both of these cited references and has determined that this element is not taught anywhere therein. Accordingly, and for at least this additional reason, claim 1 patently defines over the cited art. If the Office Action intends to maintain this rejection, the an ensuing (non-FINAL) Office Action must be mailed that cites to specific teachings within Conant or Dillon (or some other reference) that discloses this element.

As yet a further reason for the patentability of claim 1, claim 1 calls for "establishing a WAN communications link between the master computer located at the customer premises and a line card located at a central office..." The Office Action erroneously cites the Conant patent as teaching this element at column 3, lines 9-35, column 5, lines 15-43, column 6, lines 8-36, column 11, lines 40-67, and column 12, line 37 through column 13, line 15. In fact, there is no disclosure, teaching, suggestion or other mention of a central office anywhere within the Conant

patent. Without this fundamental teaching, the above-cited element cannot be properly disclosed, and the rejection set forth by the Office Action is misplaced. For at least this additional reason, claim 1 patently defines over the cited art.

As yet a further basis for the patentability of claim 1, claim 1 calls for the "directing of outgoing WAN communications from any of the slave computers to the WAN communications link via the master computer" and "receiving incoming WAN communications directly at any of the slave computers." The Office Action admits that Conant does not teach these elements, and instead cites the Dillon patent as disclosing these elements. Applicant respectfully disagrees. As discussed above, the Dillon patent is directed to an email alert system. Although the Dillon patent appears to disclose a wide area network via satellite communication links, and a LAN network extending between Ethernet interface 30 and a communication port 16 of an email server 12. However, among other failings of the Dillon reference, Dillon fails to teach the step of "receiving incoming WAN communications *directly* at any of the slave computers." In this regard, the communications received by the email server 12 (analogizing the email server 12 to a slave computer) come through the communication port 16, which receives only LAN communications over the LAN connection 31. There is no direct connection between the communication port 16 and the wide area network (i.e., the satellite network) of Dillon, which would allow the email server 12 to receive incoming WAN communications directly. Accordingly, and for at least this additional reason, the rejection of claim 1 should be withdrawn.

For at least the foregoing separate and independent reasons, even combined the teachings of Conant and Dillon do not disclose the elements set forth in claim 1, and therefore do not form a proper basis for rejection under 35 U.S.C. §103.

As a separate and independent basis for the patentability of claim 1, Applicant

respectfully submits that there is no proper teaching, suggestion, or motivation to combine the

Conant and Dillon patents. As set forth above, the rejection set forth by the Office Action fails to

satisfy even the most minimal legal standards for 103 rejections in compliance with the

Administrative Procedures Act, as has been clearly articulated by the Federal Circuit in *In re*

Sang-Su Lee (Tab B hereto). In this regard, the Conant and Dillon patents are directed to

completely different systems and methods. Indeed, the divergent focus of these patents is evident

by the fact that neither is referenced or cross-referenced in the same class, much less subclass.

For example, the Conant patent is classified in class 370/85.13 and cross-referenced into class

370/94.1. In contrast, the Dillon patent is classified in class 709 and cross-references in classes

709 and 379 (including a number of subclasses). Again, and as mentioned above, the

undersigned respectfully submits that the motivation articulated by the Office Action fails to

satisfy the legal standards, and for this additional reason, the rejection under 35 U.S.C. §103(a)

should be withdrawn.

Dependent Claims 2-6

Dependent claims 2-6 depend from claim 1, and therefore patently define over the cited

Conant and Dillon patents for at least the same reasons discussed above in connection with claim

1. In addition, these claims add further limitations, which are not disclosed in the cited Conant or

Dillon patents. For example, dependent claim 2, 3, 5, and 6 recite:

> 2.   The method as defined in claim 1, wherein the step of directing
> outgoing WAN communications further includes communicating outgoing
> communications from a Slave computer to the Master computer using a LAN
> frequency band.

> 3.   The method as defined in claim 2, *wherein the LAN frequency
> band is located at a higher than range that the WAN frequency band.*

-15-

5.   The method as defined in claim 1, wherein the WAN frequency band more specifically comprises an upstream frequency band and a downstream frequency band.

6.   The method as defined in claim 5, wherein the step of receiving incoming WAN communications includes *monitoring, by the Slave computers, communications over the customer premises wiring within the downstream frequency band*.

As emphasized above, dependent claims 2-6 specify that the LAN and WAN frequency bands are separate and distinct, and that outbound WAN communications from the slave computers are directed via the master computer using the LAN frequency band, whereas inbound WAN communications are received directly by the slave computers over the customer premises wiring by monitoring the WAN frequency band. There is simply no teaching within Dillon or Conant of the use of such separate frequency bands for outgoing versus incoming WAN communications. For at least this additional reason, the rejections of dependent claims 2-6 should be withdrawn.

Independent Claim 7

The Office Action rejected claim 7 under 35 U.S.C. §103 as being unpatentable over U.S. Patent 5,315,592, to Conant et al., in view of U.S. Patent 6,067,561, to Dillon. For the reasons set forth below, Applicant respectfully traverses this rejection.

Independent claim 7 recites:

7.   A communication circuit for equipping a computer to communicate over both a LAN and a WAN comprising:
        WAN communication circuitry for generating signals for communication over the WAN in accordance with a predetermined transmission frequency and protocol;
        LAN communication circuitry for generating signals for intra-LAN communication, *the LAN communication circuitry configured to generate a*

-16-

*signal that is transmitted in a frequency band that exceeds the highest
transmission frequency of signals communicated over the WAN;*
*first logic configured to direct outbound WAN communications through
another computer on the LAN, communicating these communications through
the another computer within a LAN frequency band; and*
*second logic configured to monitor inbound WAN communications and
receive directly inbound WAN communications destined for the computer.*

(*Emphasis added.*) Applicant respectfully submits that claim 7 patently defines over the cited art

for at least the reason that the cited prior art fails to disclose or otherwise teach the features

emphasized above.

Claim 7 is an apparatus claim that defines four elements, which include "WAN

communication circuitry," "LAN communication circuitry," "first logic," and "second logic."

The Office Action has completely failed to make reference to any of these four elements.

Instead, paragraph 4 of the Office Action, which allegedly sets forth the rejection of claim 7,

mentions only certain method steps which were defined in claim 1. The Office Action, however,

completely fails to cite, reference, or otherwise mention any of the four elements set forth in

independent claim 7. For at least this reason, the rejection to claim 7 should be withdrawn,

because the Office Action has failed to set forth a *prima facie* rejection of this claim. If the Office

Action intends to maintain this rejection, the an ensuing (non-FINAL) Office Action must be

mailed that cites to specific teachings within Conant or Dillon (or some other reference) that

disclose these elements.

In addition, and as a separate basis for the patentability of claim 7, claim 7 sets forth "first

logic configured to direct outbound WAN communications through another computer on the

LAN, communicating these communications through another computer within a LAN frequency

band;" and "second logic configured to monitor inbound LAN communications and receive

directly inbound WAN communications destined for the computer." Simply stated, neither of

-17-

these elements is taught or disclosed within either the Conant or Dillon patents. As discussed above, the Conant patent merely discloses a parallel bridging circuit, which provides parallel bridges between two LAN networks, in a configuration such that loops formed by bridged links between the LANs do not allow information packets to recirculate indefinitely. Dillon, on the other hand, is directed to an email alert system. However, neither of these patents teach, disclose, or even contemplate the transmission and reception of WAN communications by a computer using different frequency bands (a LAN frequency band for outgoing communications, and a WAN frequency band for incoming communications). Accordingly, and for this fundamental reason, the rejection of claim 7 should be withdrawn.

As a separate and independent basis for the patentability of claim 7, Applicant respectfully submits that there is no proper teaching, suggestion, or motivation to combine the Conant and Dillon patents. As set forth above, the rejection set forth by the Office Action fails to satisfy even the most minimal legal standards for 103 rejections in compliance with the Administrative Procedures Act, as has been clearly articulated by the Federal Circuit in *In re Sang-Su Lee* (Tab B hereto). In this regard, the Conant and Dillon patents are directed to completely different systems and methods. Indeed, the divergent focus of these patents is evident by the fact that neither is referenced or cross-referenced in the same class, much less subclass. For example, the Conant patent is classified in class 370/85.13 and cross-referenced into class 370/94.1. In contrast, the Dillon patent is classified in class 709 and cross-references in classes 709 and 379 (including a number of subclasses). Again, and as mentioned above, the undersigned respectfully submits that the motivation articulated by the Office Action fails to satisfy the legal standards, and for this additional reason, the rejection under 35 U.S.C. §103(a) should be withdrawn.

Dependent Claim 8

Dependent claim 8 depends from claim 7, and therefore patently defines over the cited

Conant and Dillon patents for at least the same reasons discussed above in connection with claim

7.

Independent Claim 9

The Office Action rejected claim 9 under 35 U.S.C. §103 as being unpatentable over U.S.

Patent 5,315,592, to Conant et al., in view of U.S. Patent 6,067,561, to Dillon. For the reasons

set forth below, Applicant respectfully traverses this rejection.

Independent claim 9 recites:

9.   In a computer having both WAN and LAN communication circuitry,
wherein WAN communication circuitry generates signals for communication over
a WAN in accordance with a WAN frequency and protocol and LAN
communication circuitry generates signals for intra-LAN communication in
accordance with a LAN frequency and protocol, a method for configuring a
computer to communicate over both a LAN and a WAN comprising the steps of:
        detecting whether another at least one other computer is communicating
with the LAN;
        configuring the computer as a Slave computer on the LAN, if at least
one other computer is detected as being in communication with the LAN;
        communicating all outbound WAN communications through a Master
computer, using the LAN frequency to communicate the outbound
communications from the Slave computer to the Master computer;
        monitoring communications over the LAN within the WAN frequency
band for communications destined for the Slave computer; and
        receiving appropriate inbound WAN communications directly.

(*Emphasis added.*) Applicant respectfully submits that claim 9 patently defines over the cited art

for at least the reason that the cited prior art fails to disclose or otherwise teach the features

emphasized above.

Claim 9 is a method claim that defines four elements, which include "detecting ...,"

-19-

"configuring ...," "communicating ... ," and "monitoring ..." The Office Action has completely

failed to make reference to any of these four elements. Instead, paragraph 4 of the Office Action,

which allegedly sets forth the rejection of claim 9, mentions only certain method steps which

were defined in claim 1. The Office Action, however, completely fails to cite, reference, or

otherwise mention any of the four elements set forth in independent claim 9. For at least this

reason, the rejection to claim 9 should be withdrawn, because the Office Action has failed to set

forth a *prima facie* rejection of this claim. If the Office Action intends to maintain this rejection,

the an ensuing (non-FINAL) Office Action must be mailed that cites to specific teachings within

Conant or Dillon (or some other reference) that disclose these elements.

In addition, and as a separate basis for the patentability of claim 9, claim 9 sets forth

"communicating all outbound WAN communications through a Master computer, using the LAN

frequency to communicate the outbound communications from the Slave computer to the Master

computer," "monitoring communications over the LAN within the WAN frequency band for

communications destined for the Slave computer," and "receiving appropriate inbound WAN

communications directly." Simply stated, neither of these elements is taught or disclosed within

either the Conant or Dillon patents. As discussed above, the Conant patent merely discloses a

parallel bridging circuit, which provides parallel bridges between two LAN networks, in a

configuration such that loops formed by bridged links between the LANs do not allow

information packets to recirculate indefinitely. Dillon, on the other hand, is directed to an email

alert system. However, neither of these patents teach, disclose, or even contemplate the

transmission and reception of WAN communications by a computer using different frequency

bands (a LAN frequency band for outgoing communications, and a WAN frequency band for

incoming communications). Accordingly, and for this fundamental reason, the rejection of claim

9 should be withdrawn.

As a separate and independent basis for the patentability of claim 9, Applicant respectfully submits that there is no proper teaching, suggestion, or motivation to combine the Conant and Dillon patents. As set forth above, the rejection set forth by the Office Action fails to satisfy even the most minimal legal standards for 103 rejections in compliance with the Administrative Procedures Act, as has been clearly articulated by the Federal Circuit in In re Sang-Su Lee (Tab B hereto). In this regard, the Conant and Dillon patents are directed to completely different systems and methods. Indeed, the divergent focus of these patents is evident by the fact that neither is referenced or cross-referenced in the same class, much less subclass. For example, the Conant patent is classified in class 370/85.13 and cross-referenced into class 370/94.1. In contrast, the Dillon patent is classified in class 709 and cross-references in classes 709 and 379 (including a number of subclasses). Again, and as mentioned above, the undersigned respectfully submits that the motivation articulated by the Office Action fails to satisfy the legal standards, and for this additional reason, the rejection under 35 U.S.C. §103(a) should be withdrawn.

Dependent Claims 10-12

Dependent claims 10-12 depend from claim 9, and therefore patently define over the cited Conant and Dillon patents for at least the same reasons discussed above in connection with claim 9.

Any Ensuing Office Action Must be Made Non-Final

As mentioned above in connection with the discussion of independent claims 7 and 9, the Office Action did not even address some of the claim elements of those claims. In this respect,

-21-

the Office Action rejected independent claims 1, 7, and 9 as a group, generally referencing only

the claim language of claim 1 (and even ignoring some of its features). Therefore, unless the

Patent Office allows all claims, any ensuing Office Action should properly address the claim

elements of ALL claims, including claims 7 and 9. Any specific rejection of either of these

claim, which addresses the claim elements omitted in this Office Action will, by definition, raise

"new grounds" of rejection, which are not necessitated by any amendments made herein.

Therefore, any such Office Action must be made non-FINAL.

Prior Art Made of Record

The prior art made of record has been considered, but is not believed to affect the

patentability of the presently pending claims.

CONCLUSION

Applicants respectfully submit that all claims are now in proper condition for allowance,

and respectfully request that the Examiner pass this case to issuance. If, in the opinion of the

Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is

invited to call the undersigned attorney at (770) 933-9500.

No fee is believed to be due in connection with this response. If, however, any fee is deemed to be payable, you are hereby authorized to charge any such fee to Deposit Account No. 20-0778.

Respectfully submitted,

Daniel R. McClure
Registration No. 38,962

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, L.L.P.
Suite 1750
100 Galleria Parkway N.W.
Atlanta, Georgia 30339
(770) 933-9500